

AUG 07 1990

Certified Mail
Return Receipt Requested

Mr. Thomas Anderson
Amax - Climax Molybdenum Company
P.O. Box 220
Fort Madison, Iowa 52627

Dear Mr. Anderson:

Request for Information

The purpose of this letter is to provide you with information concerning changes recently made to the hazardous waste regulations promulgated pursuant to the Resource Conservation and Recovery Act (RCRA) regarding mineral processing wastes, and to request information concerning wastes managed at your facility. Your facility has been identified as a mineral processing facility and therefore may be impacted by these recent changes.

Section 3001(b)(3)(A)(ii) of RCRA excludes "solid waste from the extraction, beneficiation and processing of ores and minerals" from regulation as a hazardous waste pending completion of certain studies by EPA. This exclusion became known as the Bevill Amendment. Beginning in 1985, EPA began to narrow and define the scope of the Bevill Amendment.

A number of waste streams generated by the ore and mineral processing industry were identified and studied. On January 23, 1990, EPA published the final rule establishing the criteria that was used to define Bevill-excluded mineral processing wastes. The final rule identified twenty (20) mineral processing wastes, which are exempt from regulation as a hazardous waste under Section 3001(b)(3)(A)(ii) of RCRA. This means that all other mineral processing waste streams are subject to the applicable requirements of the hazardous waste regulations. Attached is a list of the twenty exempt waste streams. Also, attached is a copy of the January 23, 1990 final rule and a Fact Sheet summarizing the rule.

WSTM;RCRA;IOWA;PETUSKA;BEVILL;DISC-FY90-2

IOWA 7/23/90 IOWA RCRA
PETRUSKA FLOURNOY SANDERSON

JP
7-23-90 LAFlournoy
7/31/90

MB
8/6/90

AUC
8/1/90

24



R00000282
RCRA Records Center

By narrowing the scope of the Bevill Amendment, EPA has made all but twenty waste streams from mineral processing facilities subject to the applicable hazardous waste requirements. Therefore, some of the waste streams generated at your facility which were previously exempt from regulation may now be considered hazardous. You are required to comply with all hazardous waste requirements applicable to those wastes.

One requirement found at 40 C.F.R. § 262.11 specifies that any person who generates a solid waste must determine if that waste is a hazardous waste. Six mineral processing waste streams previously considered exempt from regulation were listed as hazardous wastes in 1985. These wastes are identified with the hazardous waste numbers K064, K065, K066, K088, K090, and K091 as listed at 40 C.F.R. § 261.32. Also, any other waste stream generated by a mineral processing facility, which is not included as one of the twenty exempt wastes, is hazardous if it exhibits one or more of the characteristics of a hazardous waste as defined at 40 C.F.R. Part 261, Subpart C. Note that the characteristic of EP Toxicity has been replaced with the Toxicity Characteristic. Enclosed is a fact sheet describing the new Toxicity Characteristic for hazardous wastes. You are required to determine if the wastes generated at your facility, which are not one of the exempt wastes, are hazardous wastes.

Section 3007 of RCRA, 42 U.S.C. Section 6927 allows the EPA to request certain information for the purposes of determining compliance with the Federal hazardous waste regulations. The term "hazardous waste", as used herein, is defined in Section 1004 of RCRA, 42 U.S.C. Section 6903, and 40 C.F.R. Part 261. In order for EPA to determine if the hazardous waste activities conducted at your facility are in compliance with the hazardous waste regulations, pursuant to the provisions of Section 3007 of RCRA, we hereby request that you provide the following:

1. A list of all wastes streams generated at your facility since 1985 including quantities (in kilograms) generated on a monthly basis.
2. For each waste stream generated at your facility provide the results of the hazardous waste determination performed in accordance with the requirements of 40 C.F.R. § 262.11. Include a copy of any analytical results and all supporting documentation used to perform the determinations. Indicate which waste streams are excluded from regulation by being one or more of the twenty wastes identified as Bevill-excluded wastes.
3. For each waste stream identified as hazardous, provide a description of the management practices utilized in handling

the waste. This is to include a description of the method of storage, method of transport, method of treatment, and the name and address of all transporters and disposal facilities handling the waste.

4. A copy of all manifests and land disposal restriction notices which accompanied off-site shipments of hazardous wastes from your facility.

The required documentation must be submitted within thirty (30) days of receipt of this letter. Failure to submit this information within this time period may subject your facility to an Administrative Order that includes penalties. Your response will be reviewed to determine what further enforcement action is necessary.

You may, if you desire, assert a business confidentiality claim covering part or all of the information submitted to or reviewed by EPA. Such a claim may be made by placing on (or attaching to) the information, at the time of its submittal to, or review by, EPA, a cover sheet, stamped or printed legend, or other suitable form of notice employing language such as "trade secret", "proprietary", or "company confidential". Allegedly confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by EPA. If confidential treatment is sought only until a certain date or until the occurrence of a certain event, the request should so state.

Information submitted for which a claim of confidentiality is made will be disclosed by EPA only to the extent and by means authorized by the procedures specified in 40 C.F.R. Part 2, Subpart B. If no such claim is made when information is received by EPA, information may be made available to the public without further notice.

This request extends to all information contained in written documents in the possession of your company, its officers, employees, consultants, or agents, as well as any other information whether written or otherwise, within the knowledge of your company, including its officers, employees, consultants or agents. For your convenience, you may provide copies of existing written documents. In addition, please furnish us with all additional information which you may be able to provide based upon the knowledge or recollection of your company's officers, employees, consultants or agents.

Your response should be sent to the United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, Attention: Tony Petruska, RCRA/IOWA. If you have any questions, please contact Mr. Petruska at (913) 551-7637.

Sincerely yours,

Michael J. Sanderson
Chief, RCRA Branch
Waste Management Division

Enclosures

cc: Pete Hamlin, IDNR



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

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Sincerely yours,



Michael J. Sanderson
Chief, RCRA Branch
Waste Management Division

Enclosures

cc: Pete Hamlin, IDNR

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)

3. Article Addressed to

Thomas Anderson
A Mat. Climax Molybdenum
P.O. Box 226
Ft. Madison, Ia 52627

4. Article Number

P073 985 393

Type of Service:

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

Jeane Burns

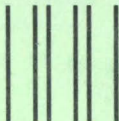
7. Date of Delivery

8-9-90

8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE

OFFICIAL BUSINESS



SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



PENALTY FOR PRIVATE
USE, \$300

RECEIVED

AUG 13 1990

IOWA SECTION

RETURN

TO



Print Sender's name, address, and ZIP Code in the space below.

U.S. EPA Region VII
RCRA Branch/IOWA Section
726 Minnesota Avenue
Kansas City, KS 66101

AUG 07 1990



P. 073 985 393

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED

NOT FOR INTERNATIONAL MAIL

AMAX

(See Reverse)

Sent to

Thos. Anderson

Street and No.

PO 220

P.O., State and ZIP Code

H. Madison, La 52621

Postage

\$

Certified Fee

Special Delivery Fee

Restricted Delivery Fee

Return Receipt showing
to whom and Date Delivered

Return Receipt showing to whom,
Date, and Address of Delivery

TOTAL Postage and Fees

\$

Postmark or Date

AUG 07 1985